

## **REMARKS**

In response to the Office Action mailed 13 December 2005, Applicant has amended claims 6, 10 – 13, 15, 16, and 18, and added claims 19 – 23. Claims 1 – 5 were previously cancelled. Claims 6 – 23 are currently pending in the application.

Claim 6 has been amended to clarify that the current context of a device is used in the calculation that is made to determine which item to display. The context of the device, as described extensively in the specification, includes possibly a large number of items in the device's environment, as well as, potentially, its history of use and items displayed. For example, contextual "dimensions" can include elements such as physical location of the device, time of day, proximity to various selected items or elements, and so forth. Context is not tied to content of displayable items; that issue is separately dealt with. Instead "context" allows for the device to understand something about where it is and what is going on around it, and this information is used as part of the calculation to determine what items to display.

In contrast, prior art systems, such as those of record in the present application, are looking toward the content of the items, however classified, and comparing them with user preferences, which can be derived from the user defining what she likes to see or derived from a history of what the user prefers to access. In none of the prior art cases is the "context" of the device considered.

As described in the specification, this context allows for different items to be presented when they are more appropriate, or may be of more interest to the user. For example, if a user likes to take a coffee break every weekday at 4:00 pm, items of interest showing the way to the nearest establishment selling coffee are likely to be of interest at that time of day. When the context includes geographic location and time of day dimensions, a map to the nearest coffee bar could be

displayed at 3:30. This display is not driven by content in the manner of the prior art, but is rather chosen by a calculation that considers the environment of the device as well as the content.

The remaining claims have been amended primarily to clarify terminology and to make their internal language consistent.

Claims 6 – 17 were variously rejected under §§102 and 103 over Abecassis. Claim 18 was rejected over Abecassis in view of Baker. Such rejections are respectfully traversed as they relate to the amended claims.

The Abecassis reference teaches the use of a DVD player that can display programs in different manners depending on selections made by the viewer. In this manner, for example, subtitles can be displayed or not, etc. Also, the various views displayed can be changed depending upon the user's wishes. However, the devices described in Abecassis do not consider the context of the unit, such as its location, time of day, etc., when deciding which video items to display.

Claim 6 provides for three initial steps to generate probability values, which are then used to randomly select an item for presentation. First, a context is determined, and used to generate a relevancy value for each element in the set of elements that could be presented. In the claims presently presented, the context relates to the device, not the content of the items that can be presented. As set forth in the specification, this context can include dimensions such as time of day, location, etc. The Abecassis reference does not provide any context of this type. Instead, it provides only user defined preferences that are set once and remain static. Moving the display device around does not affect the displayed content, etc. The cited reference to "context" in Abecassis refers to "content categories," which is characterizing content, not context as used in claim 6.

This, the method of claim 6 begins by characterizing aspects of the environment, while Abecassis begins by characterizing aspects of the content. This causes the presently claimed system and method to operate in a unique manner quite different from the prior art.

Further, the method of claim 6 is determined automatically, not defined statically by the user. The device can determine the context at the current moment and location, ascertaining whatever information is relevant to the defined context dimensions. This type of step is not suggested by Abecassis, nor any of the other references.

The relevancy value determining step of claim 6 is made with respect to the context. In Abecassis and similar references, "relevancy" is a global threshold to which content items are compared. Those that pass the threshold are considered for display. In the method of claim 6, a relevancy value is calculated for each item in the set of content items, giving "k" different values for a set of "k" items. This is nothing like Abecassis, or any of the remaining art of record.

The next step of claim 6 is to automatically generate a probability value for each item in the set. This probability value is a probability that the item will be displayed, and is generated for every item in the set. When Abecassis mentions probabilities, it is not related to generation of such a value. Instead, Abecassis uses a viewer assigned, static, probability that is used to select from among those items that previously made it past the relevancy threshold. So instead of a dynamic, automatically created probability number being applied to all items in the set, Abecassis applies a viewer defined, static number to some of the items that are available.

Thus, the method applied to the device of claim 6 determines its environment (context), generates a relevancy value for each item in the displayable set based on that context, calculates a probability value for each item, and selects one for display. In contrast, Abecassis ignores the environment, compares the content of items to a threshold defined in advance by the viewer, and

selects an item to display. This results in no interaction between the content of the items and the dynamic environment of the device, as is provided in claim 6.

Claim 10 provides further that the relevancy values are determined by comparing a contextual sensitivity of the items in the set with the current context. Since Abecassis does not consider context, this concept is clearly not suggested by the reference.

Claims 13 – 16 are directed to the concept of mapping the probability values to adjusted probability values. In terms of the preferred embodiment, this means that the originally calculated probability values are modified. This allows, for example, a large number of small probability items to be regrouped so that they do not overwhelm a small number of larger probability events. Claim 14 provides that this mapping is non-linear, and claim 16 refers to the grouping of like items during this process. Abecassis does not use probabilities calculated for each item, and performs nothing similar to this step.

Also, per claims 15 and 16, the office action states that official notice is taken that the steps would have been obvious, but cites no reference to this effect. Given that none of the cited references provides for generating probabilities for content items, and then adjusting them in any manner, Applicant requests that some citation be supplied that is relevant to this issue. Both claims provide for adjusting, and claim 16 requires grouping of items having similar probabilities so that they are adjusted as a group. Such an approach is believed unique, and not the type of activity for which official notice is believed appropriate.

Regarding the rejection of claim 18, the Becker reference teaches how to make a pie chart from normalized conditional probabilities associated with different options. However, this suggests nothing about the random selection of an item by assigning ranges to each item, and generating a random number to match a range. Claim 18 teaches a novel technique for selecting one of a

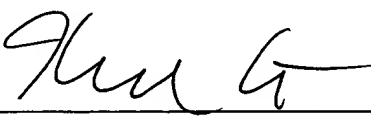
plurality of items based on previously calculated probabilities, which will cause items to be displayed roughly in proportion to their desirability as defined in those probabilities.

The newly added claims are also believed to define patentable subject matter over the prior art of record. Claims 19 – 21 relate to definitions of "context" as previously described, and are not suggested by the references. Claims 22 and 23 relate to for performing non-linear mapping and calculating adjusted probabilities, neither of which are suggested by the references.

Thus, in view of the amendments to the claims and the above discussion, all claims are believed patentable over the cited references. Applicant respectfully requests reconsideration and allowance of all claims in the application.

Respectfully submitted,

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